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Hearing Date: November 15, 2017,
at 9:30 am in Courtroom 3, United
States Bankruptcy Court, 900
Market Street, Philadelphia, PA
19107

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:

Juanita Cooper
Debtor(s)

Chapter 13 Proceeding

17-14859 JKF

**MOTION OF CITIZENS BANK, N.A. F/K/A RBS CITIZENS, N.A. FOR RELIEF OF FROM
THE AUTOMATIC STAY**

AND NOW, comes secured Creditor, Citizens Bank, N.A. f/k/a RBS Citizens, N.A. (Movant) by and through its counsel, Mary F. Kennedy, and files this Motion to obtain an order for Relief from the Automatic Stay due to lack of equity in debtor(s) property and debtor(s) failure to provide Movant with adequate protection of its interest in the property which is the basis of the creditor's security.

1. On or about July 19, 2017, Debtor(s) filed a Chapter 13 Bankruptcy Petition.
2. On September 9, 2011, the debtor executed a Mortgage and Note to Movant and or Movant's assignor in the amount of \$107,211.00 and secured by the property located at 97 East Duval Street, Philadelphia, PA 19144, referred to as the "property." Said Mortgage was recorded in the Philadelphia County Recorder of Deeds Office on September 20, 2011 at Document Id. No.: 52392030. The Mortgage was assigned to Movant via an Assignment of Mortgage recorded in the Philadelphia County Recorder of Deeds Office on November 18, 2013 at Document Id No.: 52720585. (See Exhibit "A" attached).
3. The debtor is presently in arrears post-petition for three (3) months, August 1, 2017 to October 1, 2017. The total arrears including \$1,031.00 for attorney fees and costs is \$3,348.44.
4. Movant wishes to have the automatic stay terminated to permit Movant to complete foreclosure on its mortgage.

5. Pursuant to 11 U.S.C.A. section 362 (d) (1), cause exists to granted Movant relief from the stay.

WHEREFORE, Movant respectfully requests this Honorable Court ORDER:

That Relief from the Automatic Stay be granted to Citizens Bank, N.A. f/k/a RBS Citizens, N.A. to proceed with foreclosure action to obtain all other Relief available under Non-Bankruptcy Law. That the relief granted by the Court will survive the conversion of this bankruptcy case to a case under any other Chapter of the Bankruptcy Code. And that bankruptcy Rule 4001(a)(3) is not applicable and Movant is allowed to immediately proceed with foreclosure and all other relief available under the Non-Bankruptcy law. Furthermore, Movant respectfully requests that reasonable attorney fees and costs associated with this Motion be awarded to Movant

RESPECTFULLY SUBMITTED,

/s/ MARY F. KENNEDY, ESQ.

Dated: October 24, 2017